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Maverick Real Estate Partner LLC,  
and David Aviram*

Hearing Date and time:  
October 29, 2020, at 10:00 a.m.  
Responses due:  
October 22, 2020

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

CHU H. KWON, et al<sup>1</sup>.

Debtor.

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CHU H. KWON,  
4811 ASSOCIATES LLC,  
5505 ASSOCIATES LLC,  
5507 ASSOCIATES LLC,

Plaintiffs,

-against-

5<sup>th</sup> AVENUE MIXED USE LLC,  
MAVERICK REAL ESTATE PARTNER LLC,  
DAVID AVIRAM,  
JOHN DOES 1-10,

Defendants.  
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Chapter 11

Case No.: 19-44290-ess  
Jointly Administered

Adv. Pro. No. 20-1100

**NOTICE OF MOTION TO DISMISS ADVERSARY COMPLAINT**

**PLEASE TAKE NOTICE**, that on October 29, 2020, at 10:00 a.m., 5<sup>th</sup> Avenue Mixed Use LLC, Maverick Real Estate Partner LLC, and David Aviram (collectively, the “Defendants”) will move before the Honorable Elizabeth S. Stong, United States Bankruptcy

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<sup>1</sup> A list of the Debtors in the jointly administered chapter 11 cases, along with the case numbers and last four digits of each Debtor’s federal tax identification number, is listed on the Appendix attached hereto.

Judge, United States Bankruptcy Court, 271-C Cadman Plaza East, Courtroom 3585, Brooklyn, New York 11201, or as soon thereafter as counsel can be heard for an Order dismissing the complaint filed by Plaintiffs, Chu H. Kwon ("Kwon"), 4811 Associates LLC ("4811 Associates"), 5505 Associates LLC ("5505 Associates") and 5507 Associates LLC ("5507 Associates", together with Kwon, 4811 Associates and 5505 Associates, the "Plaintiffs") against Defendants with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable by Federal Rule of Bankruptcy Procedure 7012, together with such other and further relief as this court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, Objections to Defendants' application shall be filed as through the Bankruptcy Court's electronic filing system (in accordance with General Order 476), which may be accessed through the Internet at the Bankruptcy Court's website, [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov). A hard copy of the objection, marked "Chamber's Copy" and addressed to the attention of the Chambers of the Honorable Elizabeth S. Stong shall be filed with the Clerk, and a hard copy shall be served upon Defendants' counsel, Christopher D. Palmieri, Esq. Jaspan Schlesinger LLP, 300 Garden City Plaza, 5<sup>th</sup> Floor, Garden City, New York 11530 on or before 4:00 p.m. on October 22, 2020.

Dated: Garden City, New York  
September 4, 2020

JASPAN SCHLESINGER LLP  
*Attorneys for Defendants*  
*5th Avenue Mixed Use LLC,*  
*Maverick Real Estate Partner LLC,*  
*and David Aviram*

By: 

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